

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

HEARTS ON FIRE COMPANY

V.

CIVIL ACTION NO. 04-12258 -JLT

EIGHTSTAR DIAMOND COMPANY

TRIAL ORDER

TAURO, D.J.:

The captioned action will be called for trial on Tuesday, January 16, 2007 at 10:30 a.m.

Counsel shall meet and confer for the purposes of preparing, either jointly or separately, Pretrial Memoranda for submission to the court 5 DAYS PRIOR TO TRIAL . Memoranda shall set forth:

- 1. A concise summary of the evidence that will be offered by (a) Plaintiff; (b) Defendant; (c) other parties, with respect to both liability and damages (including special damages, if any).**
- 2. The facts established by the pleadings or by stipulations or admissions of counsel.**
- 3. Contested issues of fact.**
- 4. Any jurisdictional questions.**
- 5. Any questions raised by pending motions.**
- 6. Issues of law, including evidentiary questions, with supporting authority.**
- 7. Any requested amendments to the pleadings.**
- 8. Any additional matters to aid in the disposition of the action.**
- 9. The probable length of the trial.**
- 10. The names of witnesses to be called (expert and others) and the time needed for the direct and cross- examination of each witness. The amount of time for cross-examination shall not exceed the amount of time designated for the direct examination of the witness.**
- 11. The proposed exhibits.**

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12. Motions in limine.

A trial brief, if warranted, including requests for rulings or instructions, shall be filed .

Five (5) DAYS PRIOR TO COMMENCEMENT OF TRIAL. Each party may supplement such requests at trial if the evidence develops otherwise than anticipated.

All exhibits to be used at trial shall be pre-marked and a list prepared and submitted to the clerk at commencement of trial.

Plaintiff shall use NUMBERS, defendants shall use LETTERS.

The trial day consists of a morning session beginning each day at 10:00 a.m. and end at 1:00 p.m., and the afternoon trial session will begin at 2:15 p.m. and end at 4:30 p.m., except on Wednesdays when the afternoon session will end at 3:30 p.m.

Failure to comply with any of the directions set forth above may result in dismissal, default, or the imposition of other sanctions deemed appropriate by the court.

By the Court,
Zita Lovett,

Date: 12/6/2006

/s/
Deputy Clerk